

MAY 17 2007

1361

PTO/SB/97 (12-97)

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Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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In re: Harry A. Glorikian
Case: P696C1 Application No.: 10/006,346 Filing date: 12/03/2001
Art Unit: 2145 Examiner: Office of Petitions
Subject: System for Selecting Information to be Transmitted to a Client Based on Position and Change in Position

Certificate of Transmission under 37 CFR 1.8

Attention: Office of Petitions , Examiner

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Sheri Beasley

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Total Sheets Transmitted - 6

1. Petition to the Director - 3 sheets
2. Petition Fee Transmittal - 1 sheet
3. Duplicate Petition Fee Transmittal - 1 sheet
4. Certificate of Transmission - 1 sheet

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MAY 17 2007

PTO/SB/17p (09-08)

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision)	Application Number	10/008,346
	Filing Date	12/03/2001
	First Named Inventor	Harry A. Glorikian
	Art Unit	2145
	Examiner Name	Ajay M. Bhatia
	Attorney Docket Number	P696C1

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$_____ is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(l), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-0534:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$_____ is enclosed.

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Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.138(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.650(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.656 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.18(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(e) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

/Donald R. Boys/

Signature

Donald R. Boys

Typed or printed name

05/17/2007

Date

35,074

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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MAY 17 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2145

Examiner: Ajay M. Bhatia

In Re: Harry A. Glorikian
Case: P696C1
Serial No.: 10/006,346
Filed: December 3, 2001
Subject: System for Selecting Information to be Transmitted to a Client Based on
Position and Change in Position

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**Petition to the Director
Under 37 CFR 1.182 to
Withdraw a Mistakenly Recorded
Terminal Disclaimer Before Issuance
of a Patent**

05/18/2007 HNGUYEN1 00000110 500534 10006346
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The applicant in the above-referenced case hereby petitions the Director, under 37 CFR 1.182, and in compliance with MPEP § 1490 (VII) (A), to withdraw a mistakenly recorded terminal disclaimer before issuance of a patent in the instant case. The facts are as follows:

1. In the action mailed in this case on August 22, 2005, then examiner Jason D. Cardone issued a non-statutory double-patenting rejection, rejecting claims 8 and 17 over US Patent 6343317, a parent case to the present case.
2. The applicant replied to the action in item 1 on December 20, 2005, and filed therewith a terminal disclaimer addressed to US Patent 6081780, in error, rather than the correct patent number 6343317. At some point between the action of August 22, 2005 and the next action on March 2, 2006, examiner Ajay M. Bhatia became the examiner in this case, replacing Jason Cardone. The examiner, either Cardone or Bhatia at that time accepted the incorrect terminal disclaimer, also in error.
3. In the next action in the case, mailed March 2, 2006, examiner Bhatia restated the non-statutory double-patenting rejection of claims 8 and 17 over US 6343317.
4. In response to the double-patenting rejection of March 2, 2006 the applicant caused to be filed, with the response filed on June 19, 2006, a correct terminal disclaimer over US 6343317. Examiner Bhatia accepted the correct terminal disclaimer, but did not respond that the correct terminal disclaimer would replace the incorrect terminal disclaimer previously filed.

The applicant therefore respectfully petitions the Director to cause the incorrect terminal disclaimer over US 6081780, filed on December 20, 2005, to be withdrawn and nullified in the above-referenced case serial number 10/006,346.

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Please deduct the appropriate fees under § 1.17(f) of 400.00 from deposit account 50-0534. If there are any fees due beyond any fees paid with the present petition, such fees are hereby authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
Harry A. Glorikian

By /Donald R. Boys/
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
3 Hangar Way, Suite D
Watsonville, CA 95076
831-768-1755